IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.768 of 2008
SURESH CHOUDHARY
Versus
STATE OF BIHAR
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4. 10.11.2008. This revision has been preferred against the judgment dated 24.6.2008 passed by Fast Track Court No.V, Lakhisarai in Cr. Appeal No.104 of 2006 thereunder the judgment of conviction and sentence dated 16.10.2006 passed by Shri Om Prakash, Judicial Magistrate, Lakhisarai in Trial No.2409 of 2006 has been confirmed.

The learned Magistrate has convicted the petitioner under section 25(1)(b) and 26 of the Arms Act and has sentenced him to undergo R.I. for 15 months and to pay fine of Rs.1500/- under each section. In default to pay fine he was further directed to undergo R.I. for two months.

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Heard the learned counsel for the petitioner as well as the State.

The learned counsel has confined his argument only on point of sentence.

It is submitted that the petitioner is aged about 70 years and he has remained in jail custody for 11 months, which is

sufficient to meet the ends of justice. It is further submitted that the petitioner has no criminal antecedent.

Considered the submission of the learned counsel for the petitioner. Perused the judgment of both the courts. The petitioner is an old man. The arms were not recovered from conscious possession of the petitioner.

Under the circumstances, the period already undergone by the petitioner appears to be sufficient to meet the ends of justice.

In the result, while confirming the order of conviction, the sentence of the petitioner is hereby reduced and modified to the period already remained in jail custody i.e. 11 months.

Accordingly, this application is dismissed with above modification. The petitioner is directed to be released at once if not wanted in any other case.

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(Ghanshyam Prasad)

N.H./